

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

V.

Jose Francisco MARTIN,

Defendant

Magistrate Docket No.

08 JUN 25 AM 11:01

18 MJ 1948

COMPLAINT FOR VIOLATION OF:

DEPUTY

Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **June 23, 2008** within the Southern District of California, defendant, **Jose Francisco MARTIN**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 25th DAY OF June, 2008

Louisa S. Porter

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Jose Francisco MARTIN****PROBABLE CAUSE STATEMENT**

On June 23, 2008, Border Patrol Agent J. Ravenscroft was patrolling the U.S./Mexico Border in an area known as Spooner's Mesa. This area approximately three miles west of the San Ysidro, California Port of Entry and 400 yards north of the United States/Mexico international border.

At approximately 10:00 p.m., Agent Ravenscroft responded to a seismic intrusion device and found three individuals hiding. Agent Ravenscroft identified himself as a U.S. Border Patrol Agent and conducted an immigration inspection. The defendant later identified as the defendant **Jose Francisco MARTIN**, stated that he was a citizen of Mexico without any immigration documents allowing him to enter or remain in the United States legally. At approximately 10:30 p.m. the defendant and the other two individuals were placed under arrest and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on April 28, 2008 through San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.